

REMARKS

Claims 1-28 are pending in this application. No claims have been amended or cancelled. Reconsideration and allowance of the present application are respectfully requested.

Applicants respectfully note the Examiner's acknowledgement that the references cited in the Information Disclosure Statement filed December 10, 2004 have been considered.

ALLOWABLE SUBJECT MATTER

Applicants note with appreciation the Examiner's indication that claims 10 and 11 contain allowable subject.

Rejections under 35 U.S.C. §102 - LINDSTROM

Claims 1-7, 12, 13, 16, 17, 21 and 23 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0189348 ("*Lindstrom*"). This rejection is respectfully traversed.

Lindstrom discloses a hoisting device which consists of a main frame 1, upon which the Examiner reads "a hoisting frame" of claim 1, that is supported by cables 2 from a crane and that **always** carries two sub-frames 6, 7, upon which the Examiner reads "the secondary hoisting frame" of claim 1. These sub-frames 6, 7, which in turn carry the containers 4, 5, can directly slide along the main frame 1¹, pivotally suspend from rods 10² or suspend using chains 10 from carriages 18 that can slide along the main frame 1³. As illustrated in *Lindstrom*, the main frame 1 is not **adjustable** and it cannot be **extended and retracted in a transverse direction**. In the embodiment illustrated in FIGS. 4-8 of *Lindstrom* the main frame 1 can move in transverse

¹ *Lindstrom*, Paragraph [0022], FIGS. 1-3

² *Lindstrom*, Paragraph [0023], FIG. 4

³ *Lindstrom*, Paragraph [0027], FIGS. 5-8

direction with respect to the cables 2, in order to compensate for uneven loading,⁴ but even during this movement the dimensions of the main frame 1 are not “**adjustable**”.

As such, *Lindstrom* does not disclose, teach or fairly suggest, “a hoisting frame, wherein the frame is **adjustable** in a transverse direction between a retracted position, in which a transverse dimension of the frame is at most equal to that of the secondary hoisting frame, and an **extended position** in which the transverse dimension is larger than that of the secondary hoisting frame, and wherein the means for picking up are for picking up a single secondary hoisting frame in the **retracted position** and for picking up two mutually adjacent secondary hoisting frames in the extended position,” (Emphasis Added) as recited in independent claim 1. Furthermore, the fixed dimensions of the frame of *Lindstrom* pose a drawback which *Lindstrom* does not overcome.

Applicants respectfully submit *Lindstrom* fails to anticipate the features of claim 1. Claims 2-7, 12, 13, 16, 17, 21 and 23 are likewise allowable at least by virtue of their dependency on independent claim 1.

Therefore, Applicants respectfully request that this rejection of claims 1-7, 12, 13, 16, 17, 21 and 23 under 35 U.S.C. §102 be withdrawn.

Rejections under 35 U.S.C. §102 – LIM et al.

Claims 1-5, 16, 20-22 and 28 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0225104 (“*Lim*”). This rejection is respectfully traversed.

⁴ *Lindstrom*, Paragraph [0024] and [0026]

Lim discloses a container handling system 1, 1' which includes a mounting frame 3 that may be hoisted by a crane using cables secured to its four corners. The mounting frame 3 carries a rotation device 4 which in turn supports a spreader 5. The spreader 5 has two pairs of outer twist locks 15, 16 and two pairs of inner twist locks 9, 10. The inner twist locks 9, 10 are retractable when not in use. The spreader 5 may be used to pick up either a single container 2, 2a⁵ or two containers 2, 2 that are spread longitudinally⁶. When handling two containers 2 at a time, the spreader 5 is also arranged to adjust the spacing between the containers 2 by moving the inner and outer pickup elements 9, 10 and 15, 16, respectively, closer together or further apart.

The container handling system of *Lim* has an added functionality in that the spreader 5 may be rotated from a position in which it is parallel to the mounting frame 3 to a position in which it is perpendicular to the mounting frame. In the latter position, the two extension members 30, 31, upon which the Examiner reads "the secondary hoisting frame," may be picked up by the pairs of inner and outer pickup elements 9 and 15 and 10 and 16, respectively. These extension members 30, 31 may then be used to pick up two containers 2a, 2a that are arranged side-by-side⁷.

Applicants respectfully submit that the hoisting frame of *Lim*, which is formed by the mounting frame 3, the rotation device 4 and the spreader 5, is **not adjustable in a transverse direction between a retracted position and an extended position**. Instead, in *Lim* the lower part of the hoisting frame, the spreader 5, can be **rotated** between a longitudinal position parallel to the mounting frame 3 and a transverse position perpendicular to the mounting frame 3.

⁵ *Lim*, FIGS. 1, 4, 9 and 10

⁶ *Lim*, FIG. 3

⁷ *Lim*, FIGS. 5-6

Moreover, these pickup elements 9, 10, 15, 16 are not arranged for picking up any secondary hoisting frame when the spreader 5 is in its longitudinal or parallel position. Consequently, *Lim* fails to disclose or fairly suggest the hoisting frame as recited in claim 1.

Similarly, *Lim* does not include any extension or retraction of the hoisting frame, but instead merely the rotation of a lower part of the hoisting frame, the spreader 5, with respect to the mounting frame 3 that is suspended from the cables. Moreover, *Lim* does not involve coupling on or uncoupling a secondary hoisting frame, as defined in step (h) of claim 22, but rather the simultaneous pickup or release of two secondary hoisting frames, the extension members 30, 31.

Applicants respectfully submit *Lim* fails to anticipate, “a hoisting frame, wherein the frame is **adjustable** in a transverse direction between a retracted position, in which a transverse dimension of the frame is at most equal to that of the secondary hoisting frame, and an **extended position** in which the transverse dimension is larger than that of the secondary hoisting frame, and **wherein the means for picking up are for picking up a single secondary hoisting frame in the retracted position and for picking up two mutually adjacent secondary hoisting frames in the extended position**,” (Emphasis Added) as recited by independent claim 1 or the some what similar features of claim 22. Claims 2-5, 16, 20-21 and 28 are likewise allowable at least by virtue of their dependency on one of the independent claims.

Therefore, Applicants respectfully request that this rejection of claims 1-5, 16, 20-22 and 28 under 35 U.S.C. §102 be withdrawn.

Rejections under 35 U.S.C. §102 – *TAX et al.*

Claims 1-9 and 12-28 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,709,543 (“*Tax*”). This rejection is respectfully traversed.

Tax discloses a combination of two lifting frames 12, 12' that are longitudinally aligned and that may be connected to allow large containers to be picked up. Each lifting frame 12, 12' is suspended from two longitudinally spaced groups of hoisting cables 19, 21 and 19', 21', respectively. The lifting frames 12, 12' are each extensible and retractable in **longitudinal** direction by means of beams 18, 18' that are received in telescoping engagement in longitudinal side members of the frame 12, 12'. However, *Tax* fails to teach or fairly suggest any adjustability in **transverse** direction, as evidenced by FIGS. 2, 3 and 5. Moreover, the lifting frames 12, 12' are not intended to pick up any secondary hoisting frame, but rather to lift a container 10 directly.

Furthermore, the lifting frames 12, 12' of *Tax* are **neither extendable nor retractable in transverse direction**, and the lifting frames 12, 12' are **neither intended, nor suited, for picking up any secondary hoisting frame**.

Applicants respectfully submit *Tax* fails to anticipate, “a hoisting frame, wherein the frame is **adjustable** in a transverse direction between a retracted position, in which a transverse dimension of the frame is at most equal to that of the secondary hoisting frame, and an **extended position** in which the transverse dimension is larger than that of the secondary hoisting frame, and **wherein the means for picking up are for picking up a single secondary hoisting frame in the retracted position and for picking up two mutually adjacent secondary hoisting frames in the extended position**,” (Emphasis Added) as recited in independent claim 1 or the

some what similar features of claim 22. Claims 2-9, 12-21 and 23-28 are likewise allowable at least by virtue of their dependency on one of the independent claims.

Therefore, Applicants respectfully request that this rejection of claims 1-9 and 12-28 under 35 U.S.C. §102 be withdrawn.

CONCLUSION


In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §1.17 and 1.136(a), Applicants hereby petitions for a three (3) month extension of time for filing a reply to the outstanding Office Action and submit the required \$1050.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Andrew D. Kasnevich, Reg. No. 59,436 at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
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